IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2458 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ISHWAR DAYAL KANSAL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 2458 of 1999

MR P M Thakkar, Sr.Advocate for Mr NAVIN K PAHWA for Petitioner No. 1

Mr A J Desai, APP for Respondent No. 1

MR PK JANI for Respondent No. 2

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 03/04/2002

ORAL JUDGEMENT

Learned Advocates for the parties are present. Contesting respondent is also present. They have jointly submitted consent terms showing that the parties have settled their disputes. The same is taken on record. On the basis of the aforesaid consent terms, it is stated by the learned advocates for the parties that having regard to the facts and circumstances of the case and looking to the allegations and averments made in the complaint, no offence punishable under section 406 of IPC can be made out and at the best there may be a case of offence under section 420 of IPC. Undisputedly, the said offence is compoundable with the permission of the court in accordance with the provisions contained in section 320 of the Cr.P.C. Learned Advocates for the parties contended that in fact the petitioner has paid up the necessary amount to the contesting respondent by Demand Draft. Learned Advocate for the respondent agrees that the said Demand Draft has been received by the contesting respondent. Therefore, learned advocates for the parties state that when the civil dispute has been settled and when the offence is compoundable with permission of the court, it would be in the fitness of things to quash the entire proceeding including the FIR before the trial court.

2. After having heard the learned Advocates for the parties and on the basis of the consent terms given by them, this application is allowed and the complaint registered as M.Case No.96/98 registered at Visnagar police station is ordered to be quashed.

Rule is made absolute to the aforesaid extent. D.S. permitted.

3.4.2002 [D P Buch, J.]
msp